

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEXAR MEDIA, INC.,

No. C00-04770 MJJ

Plaintiff,

**FURTHER ORDER RE: C-ONE
TECHNOLOGY CORPORATION'S AND
PRETEC ELECTRONIC
CORPORATION'S MOTION TO
RECONSIDER**

v.

PRETEC ELECTRONICS CORP ET AL,

Defendant.

On April 18, 2007, this Court issued an Order (Docket No. 381) partially granting a pending Motion to Reconsider Order Granting Motion To Withdraw As Counsel brought by Defendants C-One Technology Corporation ("C-One") and Pretec Electronics Corporation ("Pretec").¹ The April 18, 2007 Order stated in part that:

C-One and Pretec shall have ten (10) days from the date of this order to file a response which: (1) addresses the merits of the Motion To Withdraw As Counsel, to the extent that C-One and or Pretec continue to oppose that motion, and/or (2) clarifies for the Court whether and on what timeline C-One and Pretec intend to retain new counsel to represent them in this action.

The Court, having received no response from C-One or Pretec, will not further reconsider the merits of its May 30, 2006 Order permitting Mount & Stoekler P.C. to withdraw as counsel for C-One and Pretec, and **DENIES** C-One's and Pretec's requests to vacate that Order.

"A corporation may appear in federal court only through licensed counsel." *United States v. High Country Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993); *see also* Local Rule 3-9(b). Because C-One and Pretec have not retained new counsel to represent them in this matter in the

¹ At the time that C-One and Pretec filed their Motion to Reconsider in June 2006, shortly before this matter was stayed for several months, they requested that the Court either vacate its order permitting Mount & Stoekler to withdraw as their counsel, or to postpone relevant case deadlines and allow them 60 days to retain new counsel. Almost ten months later, with the stay having been lifted for approximately five months, C-One and Pretec have still not retained counsel to represent them in this matter.

eleven months since Mount & Stoekler P.C. withdraw as their counsel, the Court finds it appropriate to further rule as follows:

- (1) The Court **GRANTS** Plaintiff's Miscellaneous Administrative Request For Relief From Court Order. (Docket No. 382.) Plaintiff is relieved from the portion of the Court's separate April 18, 2007 Order (Docket No. 380) requiring Plaintiff to meet-and-confer with C-One and Pretec, and to file joint statement, regarding additional discovery issues raised by the granting Defendants' motions to amend their invalidity contentions and to rely on the opinion of counsel.
- (2) On May 8, 2007, this Court dismissed with prejudice all remaining claims against the sole represented defendant, PNY Technologies, Inc. (Docket No. 384.) Still pending before this Court is the Motion For Summary Judgment of Invalidity brought collectively by all defendants before C-One's and Pretec's counsel withdrew. Because C-One and Pretec cannot continue to litigate this action in federal court without counsel, the Court **STRIKES WITHOUT PREJUDICE** their pending Motion For Summary Judgment of Invalidity. (Docket No. 293.)
- (3) A status conference in this action is hereby **SET** for **Tuesday, June 5, 2007** at **2 p.m.** to discuss all remaining issues in this matter.
- (4) The Clerk of the Court is **DIRECTED** to serve this Order by fax, mail, and email upon C-One and Pretec at the following last-known locations provided in connection with their Motion To Reconsider:

C-One Technology Corporation
 Attn: Gordon Yu, President
 Gordony@c1tech.com.tw
 B1, No. 57, Dong Guang Road
 Hsin-Chu City, Taiwan
 R.O.C.

Telephone: 011-886-3-572-3438
 Facsimile: 011-886-3-572-4806

Pretec Electronics Corporation
 Attn: Grace Yu, Finance Director
 Grace.Y@pretec.com
 46791 Fremont Blvd.
 Fremont, CA 94538

Telephone: 510-440-0535
 no fax provided.

IT IS SO ORDERED.

Dated: 5/8/2007


 MARTIN J. JENKINS
 UNITED STATES DISTRICT JUDGE